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Plaintiff in Proper Person

5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 GREGORY KELLY } Case No.: 2:18-cv-00923-JAD-MDC
9 Plaintiff, }
10 v. } **(PROPOSED) DISCOVERY PLAN IN
11 JODY MARIE CUOMO } ACCORDANCE WITH AUGUST 21, 2024
12 Defendant. } DISCOVERY PLAN ORDER (ECF NO. 131).
13 } (Filed concurrently with Plaintiff's Motion to
14 Reconsider, and subject to Plaintiff's Objection
Deadlines).
15 } *Special Scheduling Review Requested.***

16 The parties met and conferred on August 30, 2024 pursuant to the Court's ORDER (ECF NO.
17 131), with respect to Plaintiff's Post Judgment Discovery Plan, with Plaintiff's stated objection.

18 **1. Discovery Cut-Off Date.** The Defendant answered or otherwise appeared in the
19 underlying Adversary Bankruptcy Case No.12-01124-mkn ("the Adversary Case) on October 24,
20 2012.

21 The discovery cut-off date for the Adversary Case was March 23, 2013.

22 The Court's August 21, 2024 Order¹ did not specify a cut-off date for the instant discovery
23 plan, and this is consistent with the October 12, 2023 hearing.²

24 **2. Amending the Pleadings and Adding Parties.** "The deadline to amend the pleadings
25 and add parties," is "NOT APPLICABLE" to the Order in ECF No. 131.

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28 ¹ ECF NO. 131.
² ECF NO. 132.

3. Expert and Rebuttal-Expert Disclosures. "The deadline to disclose experts," is "NOT APPLICABLE" to the Order in ECF No. 131.

4. Dispositive Motions. "The deadline to file dispositive motions," is "NOT APPLICABLE" to the Order in ECF No. 131.

5. Pretrial Order. "The deadline to file a pretrial order," is "NOT APPLICABLE" to the Order in ECF No. 131.

6. Fed. R. Civ. P. 26(a)(3). "The disclosures required by this rule and any objections to them must be included in the joint pretrial order," is "NOT APPLICABLE" to the Order in ECF No. 131.

7. Alternative Dispute Resolution. "The parties certify that they met and conferred about the possibility of using alternative dispute-resolution processes including mediation, arbitration, and if applicable, early neutral evaluation," is "NOT APPLICABLE" to the Order in ECF No. 131.

8. Alternative Forms of Case Disposition. "The parties certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01)," is "NOT APPLICABLE" to the Order in ECF No. 131.

9. Electronic Evidence. "The parties certify that they discussed whether to present evidence in electronic format to jurors for the purpose of jury deliberations," is "NOT APPLICABLE" to the Order in ECF No. 131.

10. Future Discovery Anticipated By Plaintiff Within The Next 180 Days.

Plaintiff anticipates the following post judgment discovery within the next 180 Days:

Action	Anticipated Completion
1. Motion to Compel Production of Documents – Set Two.	Estimated filing by 09/16/24.
2. Interrogatories to Defendant	Estimated request by 09/16/24.
3. Subpoenas to Creditors	Unknown, as this is contingent on Defendant's production, but likely issuance by 10/31/24.
4. Judgment Debtor's Exam	Contingent on completion of Actions 1-3, but likely by 12/27/24.
5. Third Party Examination	Contingent on completion of Actions 1-4, but likely by 02/25/25.

11 **DEFENDANT'S OBJECTIONS:** Plaintiff failed to demonstrate that the discovery requested,
 12 particularly regarding third party examinations, is limited to the discovery of non-exempt assets
 13 that could be used to pay the judgment. There are no such assets, as has been repeatedly
 14 demonstrated to Plaintiff.

15 Plaintiff has repeatedly indicated his intention to harass Defendant as well as her loved ones
 16 (including 90-year old Dr. Silver) to try to extort payment that he would not otherwise be
 17 entitled to receive. A protective order and sanctions were previously granted to address
 18 Plaintiff's overwrought collection efforts directed to Dr. Silver in violation of the discovery
 19 rules, which Plaintiff disregards in his communications about proposed next steps. Necessarily,
 20 all objections and remedies, including remedies for contempt of the Magistrate Judge's prior
 21 protective order, as affirmed by the District Court Judge, are expressly reserved.

22 **PLAINTIFF'S RESPONSE:** Plaintiff categorically denies that he has attempted to harass or
 23 extort anyone, and affirms he has followed the federal rules regarding post judgment discovery.

1 IT IS SO STIPULATED.
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5 /s/GREGORY KELLY

6 Gregory Kelly
Plaintiff

7 Dated: 08/30/2024

8 /s/ERIKA PIKE TURNER

9 Erika Pike Turner
Attorney for Defendant
Jody Marie Cuomo

10 Dated: 08/30/2024

11 IT IS SO ORDERED.

12
13 Hon. Maximilian D. Couvillier, III
United States Magistrate Judge

14 Dated: 9/3/24